THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.15547 of 2006

Dated: 27-07-2006

Between:

G. Srinivas and another.

..... PETITIONERS

AND

The Mandal Revenue Officer, Alair,
Nalgonda District and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.15547 of 2006

ORDER:

At the instance of Additional Revenue Inspector, Alair, Panchayat Secretary and three persons went to the agricultural lands in survey Nos.443 (admeasuring Acs.1.12 guntas, 444 (admeasuring Acs.13.13 guntas) and 451 (admeasuring Acs.6.15 guntas) situated at Sharajpet Village, Alair Mandal, Nalgonda District, and recorded a Panchanama to the effect that the third respondent, on enquiry, was allegedly in possession of entire extent of Acs.21.00. This is challenged in this writ petition.

The petitioners allege that the land in question originally belonged to their great grandfather, who was shown as protected tenant in the P.T. Register, that after death of their great grandfather, the property was inherited by his daughter, Marigadi Sattemma, their grandmother, and that they alone are the owners of said land. They also allege that though they have been making applications to the Tenancy Tribunal under the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (the Act, for brevity), they were not issued certificate under Section 38E of the Act. They further allege that the third respondent made an application making false claim that the mother of the petitioners and three others entered into an agreement with him on 11-09-2004 and approached the revenue authorities, as a result of which Panchanama was recorded. It is the case of the petitioners that under the guise of Panchanama, the third respondent, who is an influential man, is trying to interfere with their possession and taking steps to raise fencing.

After hearing the learned counsel for the petitioners and perusing the documents placed on record, this Court is of the considered opinion that the petitioners are not parties to the agreement of sale dated 11-09-2004 under which the third respondent purchased the property, though their mother was one of the executants. As the petitioners claim a share in the property, presumably through their grandmother, their remedy lies in seeking declaration before the Tenancy Tribunal and obtaining ownership certificate under Section 38E of the Act or to approach a Civil Court for injunction, if they are in possession as alleged. In the background of disputed facts, the writ petition cannot be entertained.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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V.V.S.RAO, J

27th July 2006
ghn